

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ANTOINE JENNINGS, and)	
CORTNEY JENNINGS)	
	Plaintiffs,	
v.)	Case No.
)	
ZURIXX, LLC)	
)	
	Defendant.	

NOTICE OF REMOVAL

Defendant Zurixx, LLC d/b/a Advanced Real Estate Education and Flipping Formula Education (“Zurixx” or “Defendant”), pursuant to 28 U.S.C. §§ 1367, 1441, and 1446, submits this Notice of Removal. In support of this Notice of Removal, Zurixx states:

1. On February 29, 2016, Plaintiffs Antoine Jennings and Cortney Jennings (“Plaintiffs”), filed an action in the Circuit Court of Jackson County, Missouri at Independence, entitled, *Antoine Jennings & Cortney Jennings v. Zurixx, LLC DBA Advanced Realestate Education [sic] & The Flipping Formula [sic]*. A true and correct copy of the Complaint is attached hereto as Exhibit “A” and is incorporated by reference.

2. On August 16, 2016, Plaintiffs served Zurixx with a summons and complaint. A true and correct copy of the Summons is attached hereto as Exhibit “B” and is incorporated by reference.

3. This Court has original jurisdiction of this action under 28 U.S.C. §1332(a) and Zurixx is permitted to remove the action to this Court pursuant to 28 U.S.C. §1441(b) because the state court action is a civil action between citizens of different states, the amount in

controversy exceeds \$75,000, exclusive of interest and costs, and Zurixx is not a citizen of Missouri.

4. Plaintiff Antoine Jennings is a resident of Blue Springs, Jackson County, Missouri, and is therefore a citizen of Missouri for purposes of determining jurisdiction under 28 U.S.C. § 1332(a). (*See* Complaint, Ex. A, at ¶ 1.)

5. Plaintiff Cortney Jennings is a resident of Kalamazoo, Kalamazoo County, Michigan, and is therefore a citizen of Michigan for purposes of determining jurisdiction under 28 U.S.C. § 1332(a). (*See* Complaint, Ex. A, at ¶ 2.)

6. The individual members involved in the ownership structure of Zurixx and its parent companies are citizens of Utah and Puerto Rico. None of the individual members is a citizen of Missouri. Zurixx is therefore a citizen of Utah, Puerto Rico, and other states besides Missouri for purposes of determining diversity jurisdiction under 28 U.S.C. § 1332(a).

7. The amount in controversy involved in each claim alleged in the Complaint exceeds \$75,000 exclusive of interest and costs. Plaintiffs' prayer for relief seeks damages in the amount of at least \$1,304,500.00. (*See* Complaint, Ex. A, at 3.)

8. Removal of this action to the United States District Court for the Western District of Missouri is proper pursuant to 28 U.S.C. § 1441(a) because it was filed initially in the District Court of Jackson County, Missouri at Independence.

9. Promptly after filing this Notice of Removal, and in accordance with 28 U.S.C. § 1446(d), Zurixx shall give written notice of its filing of this Notice to Plaintiffs and the District Court of Jackson County, Missouri at Independence, and shall file a copy of its Notice with the Clerk at the District Court of Jackson County, Missouri at Independence. A copy of the Notice

to be filed in the state court action is attached hereto as Exhibit C (without attachments) and is incorporated herein by reference.

WHEREFORE, Zurixx respectfully removes this action in its entirety from the District Court of Jackson County, Missouri at Independence, for all further proceedings as though it was originally filed here, and prays that this Court retain jurisdiction over the action to the exclusion of any proceedings in the state court. Zurixx is represented by the undersigned lawyers who certify under Federal Rule of Civil Procedure 11 that the foregoing is true and correct.

DATED: September 15, 2016.

Respectfully submitted,

By: /s/ Carly D. Duvall

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***Counsel for Defendant Zurixx, LLC
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th of September, 2016, the foregoing document was filed electronically with the above-captioned Court's CM/ECF system, which effected service on the all registered CM/ECF users in this case. The undersigned further certifies that, pursuant to Fed. R. Civ. P. 5, the foregoing document was served via U.S. mail, first-class postage prepaid, and by email, on the following:

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COUNSEL FOR PLAINTIFFS

/s/ Carly D. Duvall
ATTORNEY FOR DEFENDANT